

**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**

In re:

NEW SEABURY COMPANY  
LIMITED PARTNERSHIP,

Debtor.

NEW SEABURY PROPERTIES, LLC,

Appellants,

v.

NEW SEABURY COMPANY  
LIMITED PARTNERSHIP

Appellee.

Case No. 97-12964-WCH  
Chapter 11

Bankruptcy Appeal  
Civil Action No. 04-11981-DPW

**NOTICE OF CROSS APPEAL TO THE UNITED STATES  
COURT OF APPEALS FOR THE FIRST CIRCUIT**

New Seabury Properties, LLC hereby appeals, pursuant to 28 U.S.C. § 158(d) and Federal Rule of Appellate Procedure 6(b), the Order of Dismissal entered by the United States District Court for the District of Massachusetts on March 23, 2005 and docketed on the same day, to the United States Court of Appeals for the First Circuit.

The parties to the Order appealed from and their attorneys are the following:

1. New Seabury Properties, LLC, by its counsel Daniel E. Rosenfeld, Esq., and David M. Glynn, Esq., Kirkpatrick & Lockhart Nicholson Graham LLP, 75 State Street, Boston, Massachusetts, 02109, phone (617) 261-3100, facsimile: (617) 261-3175; and Robert N. Michaelson, Esq., Kirkpatrick & Lockhart Nicholson Graham LLP, 599 Lexington Avenue, New York, New York, 10022-6030, phone: (212) 536-3900, facsimile: (212) 536-3901.

2. New Seabury Company Limited Partnership, by its counsel John J. Monaghan, Holland & Knight, LLP, 10 St. James Avenue, Boston, Massachusetts 02116, phone: (617) 523-2700, facsimile: (617) 523-6850.

Respectfully submitted,

NEW SEABURY PROPERTIES, LLC, *et al.*  
By their attorneys,

/s/ Daniel E. Rosenfeld  
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Dated: April 14, 2005